

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

LEROY H. HALL,)	
)	
Petitioner,)	
v.)	No. 1:13-cv-357-TWP-MJD
)	
CRAIG HANKS,)	
)	
Respondent.)	

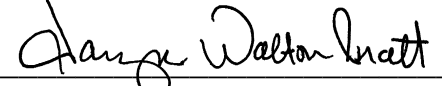
ENTRY

Petitioner Leroy Hall' filing of June 12, 2013 (Dkt. 9) is treated as a motion for summary judgment in support of his petition for writ of habeas corpus. As a procedural device, summary judgment is not well-suited in a case such as this, where the pleadings and the expanded record will tell the story. The habeas petition will be resolved, moreover, in accord with the mandate of 28 U.S.C. § 2243—"to dispose of the matter as law and justice require." *See Porter v. McCollum*, 130 S. Ct. 447, 452 (2009)(citing *Rompilla v. Beard*, 545 U.S. 374, 390 (2005)); *Canaan v. McBride*, 395 F.3d 376, 383 (7th Cir. 2005); *Newell v. Hanks*, 283 F.3d 827, 838 (7th Cir. 2002). In addition, respondent has not filed his return to order to show cause and the time for doing so has not passed.

Based on all the above circumstances, and noting also that the motion considered herein does not independently establish that the petitioner is "in custody in violation of the Constitution or laws or treaties of the United States," 28 U.S.C. § 2254(a), the motion for summary judgment (Dkt. 9) is **denied**.

IT IS SO ORDERED.

Date: 06/18/2013


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

Leroy H. Hall
No. 854050
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064

Henry.Flores@atg.in.gov